

Subject: Hemp bill



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**Elizabeth Neto**  
<Eneto@sa15.org>

to DiberardinoR@pbso.org,  
Vieira da Costa Neto, Uriel,  
Sapino, Gene, Crane-Baker,  
John, Warren, Lawonda,  
edelancy@fau.org,  
jscott@myboca.us, Dwayne  
Fernandes  
(dfernandes@highlandbeach.u  
s), Judith Arco, Jenica Lopez,  
Autumn Gurrola, Jill Richstone,  
Greg Kridos, Craig Williams

Good afternoon:

As of today, Florida's new hemp law goes into effect. Among other things, the bill states that CBD and other derivatives of the hemp plant with .3 percent THC or less are no longer controlled substances in Florida. This creates several problems for law enforcement. These legal products will test positive for THC with the current test kits in use. The drug sniffing K9s that have been trained on marijuana will likely alert to these products, as they are trained to detect any amount of THC. Hemp products look and smell exactly like marijuana products. PBSO's lab does not currently have the equipment, personnel, or certification needed to do

quantitative analyses to determine whether the substance has a legal amount of THC. There are new test kits available that will only give a positive result if the amount of THC is 1 percent or higher.

It is our opinion, based on case law from other jurisdictions facing these issues, that the odor of marijuana- by itself- is no longer probable cause for a search. This is true whether the odor is detected by an officer, or by a dog that has been trained to alert to THC. We believe that in order to do a search based on odor you will need something additional, such as an admission that the substance is marijuana/THC oil, or furtive movements.

**Further, we will not be able to prosecute any marijuana or THC oil cases without a test from an accredited lab indicating that the THC content is over .3 percent.** With this in mind, each agency and its legal advisors will need to make decisions on when to seize suspected marijuana/THC oil and when to make an arrest. We will not be able to file charges without a positive result from a 1 percent test kit, and a commitment from the agency that it will pay for quantitative testing by a private, accredited lab. Please share this information with your officers, and call us if you have any questions.